

Court of Appeals, State of Michigan

ORDER

Juli An Moore v John Michael Myers

Docket No. 296958

LC No. 08-001348-DM

Michael J. Kelly
Presiding Judge

Jane E. Markey

Donald S. Owens
Judges

The Court orders that the motion for peremptory reversal under MCR 7.211(C)(4) and remand for an evidentiary hearing before a different judge is GRANTED. The trial court could not alter the current custodial situation without conducting a hearing to determine the children's best interests and making the necessary findings. See *Grew v Knox*, 265 Mich App 333, 336-338; 694 NW2d 772 (2005). Therefore, we vacate the trial court's order of January 27, 2010 to the extent that it altered the children's current custodial situation. Moreover, we agree that the appearance of justice would be better served if this case were assigned to a different judge. See *Bayati v Bayati*, 264 Mich App 595, 602-603; 691 NW2d 812 (2004). Accordingly, we remand this case for an evidentiary hearing regarding the children's best interests before a different judge.

The order of January 27, 2010 is VACATED and the cause is REMANDED for a best interests hearing before a different judge. We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 21 2010
Date

Sandra Schultz Mengel
Chief Clerk